

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Walter C. Fiers

Ser. No.: 07/387,503

Filed: July 28, 1989

Attorney Docket No.: B8/B8 CIP DIVI

For: DNA SEQUENCES, RECOMBINANT DNA MOLECULES AND
PROCESSES FOR PRODUCING HUMAN FIBROBLAST INTERFERON-
LIKE POLYPEPTIDES

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

☐ the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on behalf of the concern
identified below:

NAME OF CONCERN : Biogen, Inc.
ADDRESS OF CONCERN : 14 Cambridge Center
Cambridge, MA 02142

I hereby further declare that the above-identified small business concern qualifies as a small business concern, as defined in 13 CFR 121.12 and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under 35 USC § 41(a) and (b) in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with Biogen, Inc. with regard to the invention described in the patent application identified above.

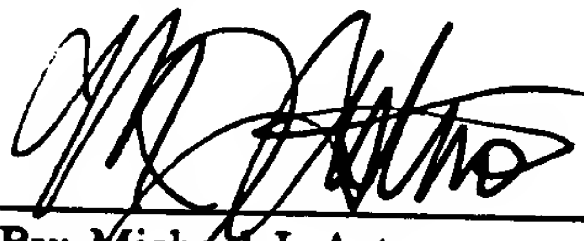
No other rights to the invention are held by any person or concern who could not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

I acknowledge the duty to file in the above-identified application, or in a patent issuing thereon, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which the status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made in the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

BIAGEN, INC.

Date: May 4, 1999


By: Michael J. Astrue
Vice President and General Counsel

DECLARATION AND POWER OF ATTORNEY - ORIGINAL APPLICATION				ATTORNEY'S DOCKET NO. B8/B8CIP																					
<p>As a below named inventor, I hereby declare that: My residence, post office address and citizenship are as stated below next to my name; I verily believe I am the original, first and sole inventor (if only one name is listed below at 201) or a joint inventor (if plural inventors are named below at 201-203) of the invention entitled <u>DNA SEQUENCES, RECOMBINANT DNA MOLECULES</u> <u>AND PROCESSES FOR PRODUCING HUMAN FIBROBLAST INTERFERON-LIKE POLYPEPTIDES</u> which is described and claimed in the attached specification; I do not know and do not believe that the invention was ever known or used in the United States of America before my or our invention thereof; I do not know and do not believe that the invention was ever patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application; I do not know and do not believe that the invention was in public use or on sale in the United States of America more than one year prior to this application; I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application; the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application; and as to applications for patents or inventor's certificate on the invention filed in any country foreign to the United States of America, prior to this application by me or my legal representatives or assigns,</p> <p><input type="checkbox"/> no such applications have been filed, or <input checked="" type="checkbox"/> such applications have been filed as follows:</p>																									
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="5" style="text-align: left; padding: 2px;">EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED WITHIN 12 MONTHS PRIOR TO THIS APPLICATION</th> </tr> <tr> <th style="width: 25%;">COUNTRY</th> <th style="width: 25%;">APPLICATION NUMBER</th> <th style="width: 20%;">DATE OF FILING (day, month, year)</th> <th style="width: 20%;">DATE OF ISSUE (day, month, year)</th> <th style="width: 10%;">PRIORITY CLAIMED UNDER 35 USC 119</th> </tr> </thead> <tbody> <tr> <td>Great Britain</td> <td>80.11306</td> <td>3/4/80</td> <td>--</td> <td><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>Great Britain</td> <td>80.18701</td> <td>6/6/80</td> <td>--</td> <td><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> </tbody> </table>						EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED WITHIN 12 MONTHS PRIOR TO THIS APPLICATION					COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)	PRIORITY CLAIMED UNDER 35 USC 119	Great Britain	80.11306	3/4/80	--	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Great Britain	80.18701	6/6/80	--	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED WITHIN 12 MONTHS PRIOR TO THIS APPLICATION																									
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)	PRIORITY CLAIMED UNDER 35 USC 119																					
Great Britain	80.11306	3/4/80	--	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO																					
Great Britain	80.18701	6/6/80	--	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO																					
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="5" style="text-align: left; padding: 2px;">ALL FOREIGN APPLICATIONS, IF ANY, FILED MORE THAN 12 MONTHS PRIOR TO THIS APPLICATION</th> </tr> <tr> <th>COUNTRY</th> <th>APPLICATION NUMBER</th> <th>DATE OF FILING (day, month, year)</th> <th>DATE OF ISSUE (day, month, year)</th> <th>PRIORITY CLAIMED UNDER 35 USC 119</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>						ALL FOREIGN APPLICATIONS, IF ANY, FILED MORE THAN 12 MONTHS PRIOR TO THIS APPLICATION					COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)	PRIORITY CLAIMED UNDER 35 USC 119										
ALL FOREIGN APPLICATIONS, IF ANY, FILED MORE THAN 12 MONTHS PRIOR TO THIS APPLICATION																									
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)	PRIORITY CLAIMED UNDER 35 USC 119																					
<p>POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)</p> <p style="text-align: center;">James F. Haley, Jr. Reg. No. <u>27,794</u></p>																									
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="3" style="text-align: left; padding: 2px;">SEND CORRESPONDENCE TO:</th> <th colspan="3" style="text-align: left; padding: 2px;">DIRECT TELEPHONE CALLS TO: (name and telephone number)</th> </tr> </thead> <tbody> <tr> <td colspan="3" style="padding: 5px;"> James F. Haley, Jr., Esq. c/o Fish & Neave 277 Park Avenue New York, New York 10172 </td> <td colspan="3" style="padding: 5px;"> James F. Haley, Jr. (212) 826-1050 </td> </tr> </tbody> </table>						SEND CORRESPONDENCE TO:			DIRECT TELEPHONE CALLS TO: (name and telephone number)			James F. Haley, Jr., Esq. c/o Fish & Neave 277 Park Avenue New York, New York 10172			James F. Haley, Jr. (212) 826-1050										
SEND CORRESPONDENCE TO:			DIRECT TELEPHONE CALLS TO: (name and telephone number)																						
James F. Haley, Jr., Esq. c/o Fish & Neave 277 Park Avenue New York, New York 10172			James F. Haley, Jr. (212) 826-1050																						
201	FULL NAME OF INVENTOR	FAMILY NAME <u>Fiers</u>	FIRST GIVEN NAME <u>Walter</u>	SECOND GIVEN NAME <u>Charles</u>																					
	RESIDENCE & CITIZENSHIP	CITY <u>Destelbergen</u>	STATE OR FOREIGN COUNTRY <u>Belgium</u>	COUNTRY OF CITIZENSHIP <u>Belgium</u>																					
	POST OFFICE ADDRESS	POST OFFICE ADDRESS <u>Beukendreef 3</u>																							
202	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME																					
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP																					
	POST OFFICE ADDRESS	POST OFFICE ADDRESS																							
CITY		CITY		STATE & ZIP CODE/COUNTRY																					
CITY		CITY		STATE & ZIP CODE/COUNTRY																					

203	FULL NAME OF INVENTOR	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE & ZIP CODE/COUNTRY

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201	SIGNATURE OF INVENTOR 202	SIGNATURE OF INVENTOR 203
DATE 29/3/89	DATE	DATE